

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WAYNE T. BUCKLEY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. C20-224 MLP

ORDER

This matter is before the Court on the Commissioner's motions for extension of time to file an answer to Plaintiff's complaint based on delays in obtaining hearing transcripts due to office shutdowns during the COVID-19 pandemic. (Dkt. ## 13, 14.) The Commissioner's motions and attached declarations assert the agency has actively pursued mitigation efforts regarding remote preparation of the administrative records, however, it is functioning at "significantly less than of normal productivity and with a significant backlog." (Dkt. # 16 at 2.) Plaintiff, proceeding *pro se*, opposes the Commissioner's motions and generally asserts that there has been an "inordinate" amount of time that he has waited for an answer and that he never received a decision from the Appeals Council regarding his appeal. (Dkt. ## 15, 18.)

1 The Court is cognizant of the importance of a timely answer, however, given the current
2 pandemic and the resulting limitation on employee access to agency facilities, the Court finds an
3 extension to file an answer is warranted. Accordingly, the Commissioner shall have up to and
4 including September 14, 2020 to file an answer to Plaintiff's complaint, including the certified
5 administrative record. If the Commissioner is unable to provide an answer, it shall file another
6 motion for extension of time and provide an explanation of the status of the record and an
7 estimate of when it will become available.

8 Dated this 31st day of August, 2020.

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10 MICHELLE L. PETERSON
11 United States Magistrate Judge
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